

UNITED STATES OF AMERICA ) DOCKET NO. 5:12-CR-49-1  
 )  
 vs. )  
 )  
 MARTIN MARTINEZ SALDANA, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

P R O C E E D I N G S

THE COURT: Okay. Are the parties ready to begin?

MR. KAUFMAN: Yes, Your Honor.

MR. CANALES: We are, Judge.

THE COURT: All right.

MR. KAUFMAN: At the appropriate time the parties have come to certain agreements regarding the guidelines calculations which we can address at the appropriate time.

THE COURT: All right. I'll count on you to bring those up at the appropriate time.

The court notes that the verdict came in in this case March 7, 2014, which established the factual basis for sentencing.

So Mr. Saldana, I see you have the headphones on. Is there an interpreter?

Oh, there you are, I'm sorry. All right.

Do you have a copy of the presentence report there at counsel table?

THE DEFENDANT: Yes.

THE COURT: Okay. Have you gone over that document carefully with your attorneys, Mr. Saldana?

THE DEFENDANT: Yes.

THE COURT: Have you discussed it with them in detail?

THE DEFENDANT: Yes.

1           THE COURT: All right. Now, the charges on which  
2 you were convicted included count one, conspiracy to  
3 distribute and possess with intent to distribute  
4 methamphetamine, and count five, possession of an unregistered  
5 firearm.

6           Do you understand the nature of those charges and  
7 the possible penalties?

8           THE DEFENDANT: Yes, sir.

9           THE COURT: And are you fully satisfied with the  
10 services of your attorney in this matter?

11          THE DEFENDANT: Yes, sir.

12          THE COURT: Now, the defendant has made certain  
13 objections to the presentence report. Would you care to be  
14 heard on the outstanding objections?

15          MR. FORRESTER: May it please the court, Denzil  
16 Forrester along with Mr. Rick Canales.

17          I think this is the appropriate time where the  
18 prosecutor might want to address the court concerning those,  
19 Your Honor.

20          THE COURT: All right. Very well.

21          MR. KAUFMAN: Thank you.

22          Your Honor, I spoke to Mr. Forrester and  
23 Mr. Canales. Obviously, there's been -- there have been  
24 several pleadings leading up to the sentencing today and what  
25 the parties are proposing is a -- essentially a stipulation

1 for purposes of sentencing.

2           Specifically, Mr. Saldana is not waiving his rights  
3 to challenge any potential arguable legal issue with regard to  
4 his trial, but for purposes of sentencing, the agreement is  
5 that the United States will not be going forward -- I'm  
6 reviewing the PSR, document 104, page 13.

7           First, the United States will not be going forward  
8 with the specific offense characteristics in paragraphs 48,  
9 49, and 50. 48 being the importation of methamphetamine for  
10 two levels, maintaining a premises for purposes of  
11 manufacturing or distributing a controlled substance, also two  
12 levels, and the criminal livelihood enhancement which would be  
13 two levels.

14           In return, the defendant is going to be withdrawing  
15 his objections. And I should say that as part of this deal,  
16 that the United States is not saying that -- affirmatively  
17 saying that there is -- that there is no facts supporting  
18 them. We're simply not going forward on those enhancements.

19           And similarly, the defense is not acknowledging per  
20 se anything regarding the other specific offense  
21 characteristics either. This is more just for purposes of the  
22 sentencing hearing and the evidence that we want to move  
23 forward on so that we can have a resolution of the disputed  
24 matters.

25           What would result, according to this agreement, is

1 46, for purposes of the calculations, the base offense level  
2 would be 38.

3 THE COURT: Wait just a second.

4 All right. Go ahead.

5 MR. KAUFMAN: Paragraph 47, the weapon enhancement  
6 would apply for two levels.

7 And the adjustment for role in paragraph 52 would  
8 increase by four levels.

9 Therefore, in paragraph 54, the adjusted offense  
10 level would be reduced by six levels from a 50 to a 44.

11 And 61 --

12 THE COURT: Wait a minute.

13 MR. KAUFMAN: Sorry, Your Honor.

14 THE COURT: Let's go down to page 13. You've got 38  
15 as the base offense level.

16 The dangerous weapon enhancement applies so that's  
17 two more.

18 The importation in 48 does not apply so that's two  
19 off, right?

20 MR. KAUFMAN: Yes, Your Honor.

21 THE COURT: And 49, premises liability does not  
22 apply so that's two more off, right?

23 MR. KAUFMAN: Yes, Your Honor.

24 Now, then, criminal livelihood in paragraph 50, that  
25 comes off.

1 MR. KAUFMAN: Correct, Your Honor.

2 THE COURT: So that's six off so far.

3 Still have the organizer or leader adjustment.

4 So that -- paragraph 54, then, would be 44; is that  
5 correct?

6 MR. KAUFMAN: That's correct, Your Honor.

7 THE COURT: All right. Now you may continue.

8 MR. KAUFMAN: And the similar change, Your Honor,  
9 would take place for paragraph 61, the highest offense level  
10 also being 44.

11 And the parties understand that paragraph 64 states  
12 that the maximum is 43, so any other figure above that would  
13 be reduced to 43.

14 My understanding is that the defense is taking the  
15 position that this stipulation will assist them in their  
16 variance argument with the court.

17 THE COURT: All right. So there's no change in 64.

18 MR. KAUFMAN: 64 will remain a 43.

19 THE COURT: Right.

20 MR. KAUFMAN: And I think that there should be no  
21 other changes to the PSR calculations. Page 21 where it  
22 discusses the sentencing options would remain the same.

23 THE COURT: Okay. Mr. Forrester.

24 MR. FORRESTER: Yes, Your Honor.

25 Your Honor, first I'll note that Mr. Saldana's two

1 daughters are not here. It's not necessarily that they don't  
2 support him. It's the fact that they -- at least one of them  
3 sat here during the trial and the other one came partially for  
4 trial, but it was too troubling. And based on his  
5 recommendation they are not here, but they certainly do  
6 support him in spirit.

7           That being said, we stand here with a 45-year-old  
8 man who's certainly been convicted of drug trafficking in meth  
9 and -- pure meth also. I say that to say that certainly I  
10 submitted a sentencing memorandum. In that memorandum, Your  
11 Honor, document 110, it talks about certainly the  
12 possibility -- and now so, more than possibility, the  
13 likelihood of him being victimized in custody. And I say this  
14 because -- and case law backs me up. It's not necessarily  
15 some sort of conjecture the defense attorney is making.  
16 Certainly the case law cited, it says inherently prison is a  
17 dangerous -- that's the *Tokash* case on page 6 out of the  
18 Fourth -- I'm sorry, Seventh Circuit where it says prison is  
19 certainly a dangerous -- inherently dangerous place. So that  
20 lays the premise that certainly he's heading to a dangerous  
21 place.

22           However -- and this is both a departure and a  
23 variance. I say this to say that in the sentencing guidelines  
24 5H1.4 dealing with physical appearance and any sort of, I  
25 guess, ability or inability, it's a discouraged factor. So we

1 will say that and admit to that. However, where it exists in  
2 an extraordinary degree, then it is recommended or then  
3 there's -- clearly one can argue for it and the sentencing  
4 judge can make a decision based on the argument.

5           Our argument is that this man is slight and trim,  
6 angular, fragile, not because God made him that way, but he  
7 was the victim of a robbery in Mexico. Now, certainly it's in  
8 the presentence report that it was a robbery. One can dispute  
9 who were the robbers or who they weren't, but certainly it's  
10 in there that he was with his parents at his parents' house.  
11 He goes back -- or at least he used to go back to Mexico, even  
12 though he's an American citizen right now, to visit his  
13 parents, 62 and I believe 89 years of age, and he was shot  
14 multiple times. As a matter of fact, he was also stabbed at a  
15 later point.

16           However, we take a look at the exhibits and we see  
17 someone who has scars all over his body. We're talking about  
18 left leg, right leg, back, abdomen. Someone who at some point  
19 will be exposed to a showering room or a facility where others  
20 will see him, will see his vulnerability and he will -- he's  
21 going to be subject to aggression.

22           And I think it's -- also, this man -- though he  
23 didn't testify or didn't take the stand, certainly we heard  
24 when he answered the court, he's a soft spoken person. And  
25 not saying that he wasn't found guilty of the crime by a jury,



1 it's saying that certainly it's taken his outward  
2 manifestations to others, other predators what he is going to  
3 look like.

4           And I think he stands -- right now we're talking  
5 about a man who is looking at life, 45-year-old man who's  
6 looking at life. So certainly -- and obviously, we're arguing  
7 for some sort of reduction in that. But as it is right now,  
8 we're talking about a guy who's being -- or has the potential  
9 of being punished on a daily basis because of his inability to  
10 defend himself.

11           Also, the fact that he has gunshot wounds on him  
12 pretty much says he was either marked for death and people  
13 will say whether he was an informant or whether he should be  
14 marked for death, just the fact. It's almost like watching  
15 some sort of Discovery Channel or National Geographic Channel  
16 where we see where there are sea creatures or land creatures  
17 in the wild, they will attack the baby fawn, they will attack  
18 the impala, sick impala. It doesn't matter. That's the sort  
19 of environment it is.

20           Particular to him, he is of Hispanic surname and he  
21 will be expected to either join up into a gang. If he chooses  
22 not to, certainly -- and here again, I speculate on that  
23 because he wouldn't add to a gang in his frail structure, but  
24 if he chooses not to, then they're labeled as solo so therein  
25 lies another problem even if he were -- did not suffer from

1 these physical ailments. And by no means am I saying he's an  
2 invalid. What I am saying he's not apt at physically taking  
3 care of himself. So would almost naturally be in a situation  
4 where because of heritage, he's either being perceived as  
5 discounting his heritage or others will say, hey, he's a prey  
6 so let's pick on him. Let's vent our frustration in this  
7 group and we'll take it out on him because he matches that  
8 group physically.

9 I say that to say that certainly during this whole  
10 ordeal, you can say, well, through the investigation we  
11 certainly don't see anything of violence perpetrated by  
12 Mr. Saldana. What we do see is certainly he had a collection  
13 of firearms that he won in some sort of, I'm not sure, raffle.  
14 It was almost -- the way he got it was some sort of in kind  
15 service, whether he put up something in a potluck or church  
16 raffle, I'm not sure. And so he got it and he would -- and  
17 here again, I'm not -- he would shoot it off, so the  
18 presentence report says, in leisure. But we don't see a  
19 person who certainly associated with guns for the more  
20 malicious side of them. And I think the jury agreed with us  
21 when they voted on the 924(c) charge, Your Honor, which was  
22 dismissed -- I mean, not dismissed. He was acquitted on.

23 So I think we sit here -- or stand here with a man  
24 who certainly though he's convicted of getting involved in the  
25 distribution of poison, he certainly is not one of the more

1 sinister or I would say violent persons that certainly we've  
2 seen in this courtroom.

3           So I would ask the court to depart downward and  
4 depart downward taking in mind the -- well, after we depart  
5 based on the departure, Your Honor, at 5H1.4, if Your Honor  
6 could take a look at the variance and certainly render a  
7 sentence that's not greater than necessary but certainly  
8 something to show respect for the law.

9           And I would say knowing the fact that he has high  
10 blood pressure, he's on different sort of medications, his  
11 circulation is very poor, his life expectancy is not as high  
12 as others in the prison population. So not only is he going  
13 to be under stress worrying about his life and any sort of  
14 abuse, he knows that time is ticking because of these inherent  
15 illnesses that he suffers from.

16           And also, additionally, he misses his family.

17           He has used alcohol in excess and he has used meth.  
18 He's a user of meth. We see that in the presentence report.  
19 So we'd ask the court to recommend some sort of substance  
20 abuse program for him.

21           He has lived in this area even though he at one  
22 point lived in Roanoke, Virginia. He lived in the West  
23 Jefferson area, Your Honor, so we'd ask the court to recommend  
24 a BOP facility close to this area, Your Honor.

25           Thank you.

1 THE COURT: All right. Thank you.

2 Okay. Anything further before I ask the defendant  
3 if he wants to speak to the court?

4 MR. FORRESTER: Nothing from the defense, Your  
5 Honor.

6 THE COURT: All right. Would you like to say  
7 anything to the court, sir?

8 THE DEFENDANT: No, sir.

9 THE COURT: All right. Thank you.

10 Mr. Kaufman.

11 MR. KAUFMAN: Thank you, Your Honor.

12 We submit that the guideline sentence of life is  
13 appropriate in this case. It is sufficient but not greater  
14 than necessary. Why is that? Well, I think defense counsel  
15 used an appropriate expression talking about distribution of  
16 poison. All controlled substances are very serious. The  
17 controlled substances that Mr. Saldana distributed, you know,  
18 if one were to look at a spectrum, methamphetamine is an  
19 extremely dangerous narcotic. It's an extremely serious  
20 problem in our northern counties here in the Western District  
21 of North Carolina, an extremely serious one. And Mr. Saldana  
22 was distributing that poison, more than 5,900 grams of it.

23 And what kind of poison? It was characterized as  
24 ice which means that it was at least 80 percent pure. As Your  
25 Honor may recall from the trial, and, actually, it's listed --

1 some of the samples that were actually seized by law  
2 enforcement are listed in paragraph 39 of the PSR. I had  
3 never before seen a purity level of 100 percent. And in fact,  
4 as there was testimony elicited during the trial, the lab  
5 sheets were above a hundred percent because there is that  
6 margin of error. So we're talking about basically, though,  
7 totally pure methamphetamine. Huge amounts.

8           And so when we look at the idea of a variance, what  
9 is extraordinary that should lead to a reduction more than  
10 just the one level, if you will, from 44 to the 43 which  
11 happens just as a guidelines factor, what would merit any  
12 further reduction beyond that?

13           It appears that the defense had referenced the two  
14 daughters. That's not extraordinary. Many drug traffickers  
15 have families, and families who have stories that are actually  
16 a little somewhat compelling. They're presumably with a  
17 caretaker now and have been for some time. This is not an  
18 extraordinary scenario. And ultimately, that's part of the  
19 gamble that a drug trafficker takes when they commit their  
20 crime.

21           The other basis, if I'm characterizing it correctly,  
22 is the defense argument that Mr. Saldana is somehow more  
23 susceptible to harm while in the Bureau of Prisons. There's  
24 several factors that the defense discussed and we submit that  
25 these are not extraordinary in any way and maybe even

1 factually don't really apply to Mr. Saldana such that a  
2 variance would be appropriate.

3           With regard to his physical appearance, you know,  
4 he's in court. We have his biographical information in the  
5 PSR. He's 5'8", 170 pounds. He is not a slight man. There  
6 is nothing unusual or uncommon about that. To our knowledge,  
7 he has never received any sort of threats. And that does  
8 often happen in a case where drugs and/or money are seized  
9 from a defendant because their source is expecting to receive  
10 that money as payment or expecting to receive payment for the  
11 drugs that were seized if they were fronted to that defendant.  
12 That's actually quite common. But even in this case we  
13 haven't gotten any indication that that does exist. So there  
14 have been no actual threats.

15           There's no evidence that -- while the evidence does  
16 indicate because of the purity, Agent Harmon testified about  
17 purity levels of methamphetamine, that the distribution chain  
18 was actually quite short between the Mexican super lab and his  
19 receipt of it, there is not an indication that he was dealing  
20 directly with cartel members; that there were intermediate  
21 traffickers. There's no indication that he was directly  
22 dealing with violent gangs other than, importantly, the  
23 shooting. And while he may have characterized it at one point  
24 as being a robbery, as we submitted in our response to the  
25 defendant's sentencing memorandum, there's that transcript --

1 I'm looking at document 111 on page 2. There is a quote where  
2 he was -- when Mr. Eller was asking Mr. Saldana about how it  
3 all happened and he said there were two big gangs. It's gang  
4 related? And he said, Yeah, it's gang.

5 So that kind of cuts against the idea that he was  
6 just a robbery victim. But if anything, it shows a little bit  
7 more, if you will, a toughness, that he was being involved in  
8 some sort of gang shootout.

9 We have to keep in mind, too, that Mr. Saldana was  
10 not a mule. He was not a follower, somebody who might be more  
11 susceptible to bullying or fighting in prison. In fact, he  
12 was a leader/organizer. So that shows that he doesn't have  
13 some sort of extraordinary weakness. In fact, if anything, he  
14 has the leadership.

15 Again, also, the expression that he's marked for  
16 death because of his scarring. If anything, I would submit  
17 that that scarring along with his description of being caught  
18 in a gang shootout shows that there's some street cred. That,  
19 if anything, he's got kind of a toughness, if you will, as a  
20 result of being shot and being able to speak about it after  
21 the fact.

22 And the idea about gang membership, that he be  
23 susceptible and he would have to join a gang for survival,  
24 honestly, that would apply to anybody. Mr. Saldana is not  
25 unique in terms of needing to associate with a gang and being

1 considered an outsider. That's true of anybody. We're not --  
2 we don't believe that a variance should be given to everybody  
3 so that -- obviously, we don't want people to be in prison  
4 gangs, but the way to stop that is not to say you can have a  
5 variance so that you can feel that you're getting a benefit  
6 for not being in a gang. People either are or are not but  
7 it's not something unusual for Mr. Saldana so that -- such  
8 that he should receive a variance.

9 I think those were the two primary areas that the  
10 defense was asking for a variance.

11 Mr. Saldana, he exercised his right, which he's  
12 entitled to do, to go to trial, but he has not provided  
13 information to the government to assist the United States.  
14 There aren't any compelling factors that we can think of in  
15 terms of something extraordinary beyond other defendants who  
16 come before the court that would merit a variance.

17 Thank you.

18 THE COURT: All right, sir. Thank you.

19 Anything further before the court states a sentence?

20 MR. FORRESTER: Just one thing I would like to add,  
21 not to counter that. At some point he did receive custody of  
22 his two daughters, just to speak to that. At least some court  
23 in North Carolina or even the mother found that this man was  
24 worthy of a second chance in life.

25 That's all, Your Honor. Thank you.



1           THE COURT: All right, sir. Thank you.

2           Concerning the motion for departure under guidelines  
3 5H1.4, the court declines to grant such a departure having to  
4 do with the defendant's physical circumstances either with  
5 reference to his medical issues described in the presentence  
6 report such as high blood pressure and blood circulation being  
7 poor and urinary difficulties. These appear to be  
8 successfully addressed by medication. And then he has certain  
9 numbness and circulation and other difficulties as a result of  
10 being shot in an altercation in Mexico and also a stabbing by  
11 a coworker in 1989.

12           But taken together, these don't create a case of any  
13 compelling force for a downward departure either for the  
14 medical concerns themselves or for any implications for  
15 vulnerability in custody. Defendant's physical appearance and  
16 the medical conditions are not extraordinary in degree and do  
17 not make a compelling case for a particular vulnerability in  
18 the prison environment as the government effectively argues.

19           The evidence, for example, of scars could be taken  
20 as a mark of toughness as well as it could a mark of  
21 vulnerability or, as the government says, perhaps street cred.

22           And further, that the argument concerning gangs  
23 could apply to every inmate in terms of the argument of the  
24 defendant such as pressure to join a gang or not and the,  
25 perhaps, consequences thereof. That is simply not persuasive.

1 And it doesn't differentiate the defendant in a way that might  
2 justify a downward departure.

3 Now, the government, then, moving on to arguments  
4 for a variance downward -- do we have any -- by the way, do we  
5 have any new family members here?

6 MR. FORRESTER: No, Your Honor.

7 THE COURT: All right. Thank you.

8 So in terms of the variance, the nature of the  
9 offense is extremely serious which is a strong argument  
10 against a downward variance because the meth problem is an  
11 extremely serious one. Made more so, perhaps, by the  
12 exceptional purity of the drug being moved by the defendant,  
13 but even that -- if that's a marginal factor, the quantity is  
14 an exceptionally high amount to be moving some 5,900 grams,  
15 and moved through numerous traffickers under the defendant.

16 Defendant most assuredly was a leader and he  
17 effectively used his real property to hide proceeds of the  
18 illegal enterprise and facilitate the distribution in all the  
19 ways set forth in the presentence report.

20 The fact that defendant had a family and custody of  
21 two daughters does not change the analysis concerning a  
22 downward variance. Defendant certainly would have been aware  
23 of the risk to his family that he might be apprehended in drug  
24 dealing. So that is an unfortunate and perhaps tragic  
25 consequence of his activities, even though activities on the

1 real property in question would have been evident to those who  
2 dwelled there.

3           Defendant further argues that defendant has a lower  
4 life expectancy because of his medical issues, but that does  
5 not present a circumstance justifying a downward variance.  
6 Even if it is correct, that's speculative.

7           So the court's view is that the nature of the  
8 offense argues for a life sentence for the reason that I  
9 have -- reasons that I have articulated. The history and  
10 characteristics of the defendant are not compelling in a  
11 downward variance direction. It appears that he made use of  
12 his naturalized citizenship to move back and forth from Mexico  
13 even though he says that was to tend to his mother. The fact  
14 that he was involved in the shootout shows that on at least  
15 one occasion he was in the midst of a gang blowup of sorts  
16 while in Mexico.

17           The defendant is indeed, given the quantity, a  
18 kingpin by any definition and therefore a guideline sentence  
19 is appropriate, particularly to promote respect for the law  
20 and afford deterrence to others who might be tempted to engage  
21 in similar conduct. Also to protect the public from further  
22 crimes of this defendant.

23           And the fact that defendant had certain legitimate  
24 jobs, likely providing a cover for his drug dealing, is not  
25 persuasive to justify a variance.

1           So having these factors in mind, the court will  
2 sentence as follows:

3           Pursuant to the Sentencing Reform Act of 1984, the  
4 *Booker* case, and 18, U.S. Code, 3553(a), defendant is  
5 committed to custody for a term of life on count one and a  
6 term of 120 months on count five to be served concurrently.

7           The court recommends the substance abuse program,  
8 18, U.S. Code, 3621(e)(2).

9           The court further recommends participation in  
10 educational and vocational opportunities while incarcerated.

11           Upon release he'll be on supervised release for five  
12 years should it become appropriate. This term consists of a  
13 term of five years on count one and three years on count five,  
14 all running concurrently.

15           Within 72 hours of release from custody, he shall  
16 report in person to the probation office in the district to  
17 which he is released.

18           And while on supervised release, he shall not commit  
19 another federal, state or local crime, and shall comply with  
20 the standard conditions adopted by this court.

21           He shall pay the United States the special  
22 assessment of \$200, payable immediately.

23           He does not have the ability to pay a fine or  
24 interest because of his economic circumstances.

25           He shall forfeit his interest in any properties

1 identified by the United States.

2 Payment of the criminal monetary penalties are due  
3 and payable immediately, they having to do with the  
4 assessment.

5 The court recommends he be placed as close to West  
6 Jefferson, North Carolina, as possible.

7 You have a right to appeal, Mr. Saldana. To do that  
8 you would have to give a written request for appeal -- or  
9 notice of appeal within 14 days after the court files its  
10 sentencing judgment resulting from today's hearing. You may  
11 appeal without prepayment of costs if you are found to be  
12 indigent after filing an affidavit of indigency. Your  
13 attorneys or the clerk of court would fill out a notice of  
14 appeal for you if you asked one of them to do that or you may  
15 file it yourself.

16 Would counsel want to make a notice of appeal at  
17 this time?

18 MR. FORRESTER: Your Honor, I'm in this district so  
19 I can wait until the judgment has been --

20 THE COURT: Certainly. I just thought I'd ask.  
21 Anything further?

22 MR. KAUFMAN: Your Honor, I don't know if this is a  
23 necessary step, but I'd ask that Your Honor's preliminary  
24 order of forfeiture, document 112, be incorporated into the  
25 final judgment.

1 THE COURT: All right, sir. I will do that.

2 MR. KAUFMAN: Thank you, Your Honor.

3 THE COURT: So ordered. Thank you all.

4 MR. CANALES: May I be excused, Your Honor?

5 THE COURT: Thank you, sir.

6 (Brief recess at 2:57 p.m. Court back in session at  
7 3:26 p.m.)

8 THE COURT: Okay. May we start by noting first of  
9 all that counsel have reassembled. Mr. Kaufman and counsel  
10 for the defendant and the defendant is present here in open  
11 court with the assistance of an interpreter.

12 And I will apologize to the defendant for having to  
13 reassemble this group, but I do so for what might be termed a  
14 ministerial or administrative omission on my part and that is  
15 to note that after we took the agreement by stipulation  
16 concerning enhancements in the case, I did not make note for  
17 the record that the court adopts the presentence report for  
18 all purposes of sentencing. But I did do so having disposed  
19 of objections by way of the stipulation and there having been  
20 no further objections.

21 Anything further from counsel for either side?

22 MR. FORRESTER: No, Your Honor.

23 MR. KAUFMAN: No, Your Honor.

24 MR. CANALES: No, Your Honor.

25 THE COURT: All right. Thank you all and I

1 appreciate the cooperation.

2 MR. CANALES: Thank you.

3 MR. KAUFMAN: Thank you.

4 MR. FORRESTER: Thank you.

5 (End of proceedings at 3:28 p.m.)

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1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NORTH CAROLINA  
3 CERTIFICATE OF REPORTER  
4  
5

6 I, Cheryl A. Nuccio, Federal Official Realtime Court  
7 Reporter, in and for the United States District Court for the  
8 Western District of North Carolina, do hereby certify that  
9 pursuant to Section 753, Title 28, United States Code, that  
10 the foregoing is a true and correct transcript of the  
11 stenographically reported proceedings held in the  
12 above-entitled matter and that the transcript page format is  
13 in conformance with the regulations of the Judicial Conference  
14 of the United States.

15  
16 Dated this 10th day of August 2015.

17  
18  
19 s/Cheryl A. Nuccio  
20 Cheryl A. Nuccio, RMR-CRR  
21 Official Court Reporter  
22  
23  
24  
25